

Lances West – Policies

Summer 2014

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Lances West Condominiums Homeowners Association Meeting Rules and Procedures

Adopted August 9, 2014

All meetings of Lances West Condominiums owners and Board of Directors are open to all owners, or their written designated representative.

Owner and director meetings will be based upon an agreed to agenda, communicated to potential attendees by mail, web site posting or e-mail prior to the meeting. Annual owner meeting announcement will also be posted on-site.

An annual owners meeting will normally be conducted in Breckenridge, Colorado in August to review budgets, elect directors and conduct other business deemed appropriate. Contested director elections shall be based upon secret written ballot of attendees and properly executed proxies. All attendees may participate in agenda item discussions and owners may present additional topics after the agenda has been completed. If time consumption becomes an issue, the directors may implement a discussion time limit for each speaker.

Votes will be made on recognized motions that have been seconded.

Meetings will normally be conducted in accordance with an informal version of Roberts Rules and Order, and decisions will be based upon a majority affirmative vote unless a greater number is required by the Association Declaration or By-Laws.

**PRESIDENT'S
CERTIFICATION:**

The undersigned, being the President of the Lances West Condominiums, a Colorado non-profit corporation, certifies that the foregoing policy and procedure was adopted by the Board of Directors of the Association by unanimous consent of the Board of Directors on August 9, 2014, and in witness thereof, the undersigned has subscribed his name.

Lances West Homeowners Association
A Colorado non-profit corporation

By: Greg Mischke
Greg Mischke President

Lances West Condominiums Homeowners Association Dispute Resolution Policy

Adopted August 9, 2014

The Colorado Common Interest Ownership Act, Section 38-33.3-124, (1) (a) (1) encourages protocols that use mediation or arbitration as alternatives to, or preconditions upon, the filing of a complaint between a unit owner and the association in situations that do not involve an imminent threat to peace, health, or safety. This Section also requires a written policy setting forth procedures for addressing disputes between the association and unit owners.

The Lances West Condominium Homeowners Association dispute resolution policy is to first require each party to attempt to resolve a dispute through verbal and/or written communications, taking into consideration conforming to the Association Declaration, By-Laws, Articles of Incorporation and Rules and Regulations.

Any controversy between the Association and owners, or between owners, may submit to mediation by agreement of the parties prior to the commencement of any legal proceeding.

Should a dispute not be resolved by either of the actions above, or disputing parties not agree to mediation, all disputes shall be resolved through binding arbitration under the Uniform Arbitration Act, in lieu filing a legal suit.

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LANCES WEST CONDOMINIUMS HOMEOWNERS ASSOCIATION, INC.,
A Colorado non-profit corporation

By: Greg Mischke
Greg Mischke President

Board of Directors Conflict of Interest Policy

Adopted August 9, 2014

If any contract, decision, or other action taken by on behalf of the Board of Directors (Board) would financially benefit any member of the Board, or any person who is a parent, grandparent, spouse, child, or sibling of a member of the Board or a parent or spouse of those persons, that member of the Board shall declare a conflict of interest for that issue. The member shall declare the conflict in an open meeting, prior to any discussion or action of that issue. After making such declaration, the member may participate in the discussion but shall not vote on that issue.

Any contract entered into in violation of this policy is void and unenforceable.

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LANCES WEST HOMEOWNERS ASSOCIATION, INC.,
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By: Greg Mischke
Greg Mischke President

Lances West Condominiums Replacement Projects Reserve Summary

Adopted August 9, 2014

The Lances West projects reserve is based upon an annual study of expense items having a life of more than one year. Items, such as roof, parking surface, and exterior paint are identified and listed. Project estimated remaining life is projected along with estimated replacement cost and the year of the replacement. An annual, physical and financial, analysis of each project to be replaced, its estimated life, its estimated replacement cost and the year of project expenditure is conducted. A summary of the analysis, along with dues contributions needed to fund the projects are shared with owners at the annual owners meeting

Reserve funds, accumulated for the long term projects, are invested in FDIC insured certificates until project expenditures are needed.

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LANCES WEST HOMEOWNERS ASSOCIATION, INC.,
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By: Greg Mischke
Greg Mischke President

August 9, 2014

Lances West Collection of Unpaid Assessments Policy

Association dues are due on the first day of each month. Association dues postmarked later than the 25th of the month are delinquent and will result in a late fee of \$25.00 plus 1.0% will be charged on the unpaid balance. Returned checks will result in a \$26 charge or whatever the bank charges. Attorney fees and additional expense to manage the delinquent account will be charged to the owner.

The Association will automatically shutoff water to units, without notification, and will file a lien notice with Summit County, Colorado when unpaid amounts exceed three months delinquency. Unless prior installment payments have been agreed to, and made on time, delinquent dues and charges exceeding six months dues amounts will result in the Association filing legal action that may include foreclosure.

Past due accounts will be sent a delinquency notice showing; the amount due, how it was determined, whether a payment plan is offered, who to contact if a payment plan is available, who to contact to verify the debt, action required to cure the delinquency and that failure to do so may result in the account being turned over to a collection agency, a law suit being filed, or lien foreclosure on the property being filed.

Payments received will be applied to current dues first and then to the oldest outstanding dues, interest and charges including legal fees next.

The Association will make a good-faith effort to enter a payment plan with the delinquent owner to pay the deficiency, in equal installments up to a period of six months, along with current due assessments. Failure to remit payment of installments in accordance with the terms of the agreed to payment plan, or to remain current with regular assessments, will result in legal action to collect the debt.

When the outstanding balance of assessments and charges secured by its lien equals six months of common expense assessments, and the Association Board of Directors records a vote to authorize legal action, the Association may foreclose on delinquent owner's property.

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LANCES WEST HOMEOWNERS ASSOCIATION, INC.,
A Colorado non-profit corporation

By: 
Greg Mischke President

LANCES WEST CONDOMINIUM HOMEOWNERS ASSOCIATION, INC.
POLICY AND PROCEDURE
INSPECTION AND COPYING OF ASSOCIATION RECORDS

Adopted August 9, 2014

The following resolution is to adopt a policy regarding an Owner's right to inspect and copy Association records to be permanently retained by the Association in accordance with Colorado House Bill 12-1237. To adopt a standard procedure to be followed when an Owner chooses to inspect or copy Association records.

1. Inspection of Association Books and Records by members.
 - a. A member or his/her authorized agent is entitled to inspect and copy, at the member's expense and during regular business hours at a reasonable location specified by the Association, any of the records or papers of the Association and written communications that directly relate to an action taken by the Board including email correspondence, (except as specifically limited or excluded by Section 3 below) if the member gives the Association written demand at least ten (10) business days before the date on which the member wishes to inspect and copy such records and:
 - i. The demand is made in good faith and for proper purpose;
 - ii. The member describes with reasonable particularity the purpose and the records or papers the member desires to inspect; and
 - iii. The records or papers are directly connected with the described purpose.
 - iv. "Proper purpose" means a purpose reasonably related to the demanding member's interest as a member of the Association.
 - v. It is within the reasonable discretion of the Board to determine whether a member's demand to inspect and copy is made in good faith and for a proper purpose.
2. Proper Purpose/Limitation. Without the consent of the Board of Directors, a membership list or any part thereof may not be obtained or used by any person for:
 - a. Any purpose unrelated to a member's interest as a member;
 - b. To solicit money or property unless such money or property will be used solely for the purpose of generating materials or holding meetings to solicit the votes of the members in an election to be held by the Association;
 - c. Any commercial purpose; or
 - d. To be sold to or purchased by any person.
3. Exclusions. The following records and documents may be kept confidential by the Association:
 - a. Attorney-Client Confidential Documents. In order to protect the attorney/client privilege existent between the Association and its attorneys, all communications between the Association and its attorney, including, but without limitation, memos, opinion letters, and draft documents prepared at the behest of the Board of Directors, are not available for the

inspection or copying by any member of his/her authorized agent, without the consent or authority of the Board of Directors.

- b. Personnel Confidential Documents. Documents pertaining to employees of the Association or involving employment, promotion discipline, or dismissal of an officer, agent or
- c. employee.
- d. Applicable Law. Any documents which are confidential under constitutional, statutory or judicially imposed requirements.
- e. Individual Privacy. Any documents the disclosure of which would constitute an unwarranted invasion of individual privacy are confidential.

4. Copy and other Document Fees.

- a. The Association will impose a reasonable charge, covering the costs for copies of any documents the Association provides to a member. The charge may not exceed the actual cost for copies as incurred by the Association.
- b. If a member requests copies of Association documents which are not in the possession of the Association, the member is responsible for whatever fees and costs are imposed by the entity (CPA, attorney, etc.) holding such records for copy and related costs, including but not limited to labor, materials and postage.
- c. If a member requests a copy of an Association document which must be retrieved from archives, compiled, generated, certified or authenticated in any way, the member is responsible for all fees and costs incurred in the retrieval, compilation, generation, certification or authentication and reproduction (copying) of the requested document(s), including but not limited to labor, materials and postage.

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